

## Message Text

PAGE 01 STATE 224321

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EXDIS

E. O. 11652:GDS

TAGS: PFOR

SUBJECT: POSSIBLE COMPROMISE OVER PRINCIPLES LANGUAGE

FOR BOSTER

1. BEGIN FYI: DEPT BELIEVES THAT SOME GESTURE WILL HAVE TO BE MADE SOON TOWARD ACCOMMODATING GROWING SOVIET CONCERNS UNDERLYING THEIR INSISTENCE ON A REFERENCE TO DOMESTIC LAW AND CUSTOMS IN PREAMBLE TO BASKET III. END FYI.

2. WE WOULD SUGGEST APPROACHING THE PROBLEM BY UNDERTAKING DETAILED STUDY OF NON-INTERVENTION LANGUAGE IN BASKET I, WHEN THIS SUBJECT COMES UP FOR DISCUSSION IN NEXT FEW DAYS. SINCE BASKET I PRINCIPLES CAN AND PROBABLY WILL BE INCORPORATED BY GENERAL REFERENCE INTO SOME PREAMBLE OR CHAPEAU FOR BASKET III, PROGRESS IN THE NON-INTERVENTION  
SECRET

PAGE 02 STATE 224321

LANGUAGE COULD BE PRESENTED TO THE SOVIETS AS THE MOST APPROPRIATE AND PROMISING WAY OF MEETING THEIR CONCERNS, WITHOUT PLUNGING THE CONFERENCE INTO A VERY COMPLICATED ADDITIONAL DRAFTING JOB FOR BASKET III. IN THIS CONNECTION,

WE ARE PREPARED, IF NECESSARY, TO WORK FROM THE LANGUAGE CONTAINED IN THE FRENCH DRAFT DECLARATION OF PRINCIPLES ON WHICH, HERETOFORE, WE HAVE BEEN SOMEWHAT RESERVED.

3. THE FRENCH PROPOSAL CAN BE PRESENTED AS ESSENTIALLY MEETING SOVIET CONCERNS, PROVIDED SOVIETS ARE NOT SEEKING TO STATE A MORE SWEEPING OBLIGATION OF RESPECT FOR DOMESTIC

LAW AND CUSTOM THAN INTERNATIONAL LAW AND CUSTOM PROVIDES. IF NECESSARY AND IF IT ACCEPTABLE TO OUR ALLIES, WE WOULD ALSO BE PREPARED TO CONSIDER EXPANDING THE FRENCH FORMULATION (GENEVA 5646, PARA 3, PRINCIPLE NO. 6) TO INCLUDE A SPECIFIC REFERENCE TO LAW AND CUSTOM, PERHAPS ALONG THE FOLLOWING LINES: "EACH...WILL ABSTAIN FROM ANY INTERVENTION, DIRECT OR INDIRECT, IN MATTERS FALLING WITHIN THE NATIONAL COMPETENCE OF ANY PARTICIPATING STATE, INCLUDING LAWS AND CUSTOMS AFFECTING MATTERS ESSENTIALLY WITHIN ITS DOMESTIC JURISDICTION, WHATEVER THEIR MUTUAL RELATIONS MAY BE."

4. PREFERABLY ONE OF OUR OTHER ALLIES SHOULD BE ENCOURAGED TO TAKE THE LEAD IN TRYING TO WORK OUT SUCH A DEVICE FOR BREAKING THE LOG JAM.

5. A POSSIBLE ALTERNATIVE APPROACH MIGHT BE TO AGREE NOW TO INCLUSION IN AN EVENTUAL PREAMBLE OR CHAPEAU FOR BASKET III OF A REFERENCE TO THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS, " IN PARTICULAR ARTICLES 1 (3), 2 (1) AND 2 (7)." WHILE THIS HAS CERTAIN NEGATIVE IMPLICATIONS BY RELATING ARTICLES 2 (1) AND 2 (7) ON NON-INTERVENTION DIRECTLY TO THE SUBJECTS COVERED BY BASKET III, IT WOULD BE AN ACCEPTABLE COMPROMISE WITH THE EASTERN POSITION.

6. FYI: WE WOULD NOT RULE OUT A MORE EXTENSIVE PREAMBLE FOR BASKET III AND WOULD NOT BE FUNDAMENTALLY OPPOSED TO SOME DRAFTING EFFORTS ON SUCH A PREAMBLE AT THIS  
SECRET

PAGE 03 STATE 224321

STAGE. HOWEVER, WE BELIEVE THE BASKET I OR PARAGRAPH 5 (ABOVE) APPROACH IS A MORE MANAGEABLE AND LIMITED EXERCISE, LESS LIKELY TO CREATE SERIOUS PROBLEMS BETWEEN US AND OUR ALLIES, AND A POSSIBLE MEANS OF BRINGING OUR ALLIES AROUND WITHOUT TOO MUCH US PRESSURE TO A MORE AMBITIOUS BASKET III PREAMBLE IF THAT BECOMES NECESSARY.  
END FYI

7. IF YOU AGREE WITH FOREGOING, YOU SHOULD APPROACH ALLIES IN NATO CAUCUS, SUGGESTING THAT ALLIES CONCERT THEIR EFFORTS TO PRESS THIS APPROACH WITH EASTERN AND NEUTRAL PARTICIPANTS. CASEY

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